



CASE 1832

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF
WESTCOTT, ET AL.
S.N. 10/088,419
FILED: 29 JULY 2002
FOR: PLANTS HAVING REDUCED ACTIVITY IN
TWO OR MORE STARCH-MODIFYING ENZYMES

Group Art Unit: 1623
Examiner: K. FONDA

Commissioner of Patents and Trademarks
Alexandria, VA 22313

PETITION TO REVIVE
UNINTENTIONALLY ABANDONED APPLICATION
UNDER RULE 137(b) [37 CFR §1.137(b)]

02/12/2004 AWONDAF1 00000040 140455 10088419

02 FC:1453 1330.00 DA

Sir:

Applicants hereby petition under Rule 137 [37 C.F.R. 1.137(b)] to revive the above-captioned patent application which Applicants unintentionally abandoned. Applicants respectfully request the following petition to revive be considered.

A Final Action was received dated 4 August, 2003. Applicants responded on 25 November, 2003 with a one-month petition to extend. An Advisory Action was mailed dated 11 December, 2003 which stated that Applicants response did not place the application in condition for allowance because "applicant presents arguments, but not evidence." Applicants mailed a supplemental response on 31 December, 2003 with evidence to support the arguments made.

An Advisory Action was mailed 23 January, 2004. However, this response had not yet been received by the docketing clerk on 29 January, 2004. On 30 January, 2004, the docketing clerk left for holiday. Upon receipt of the Advisory Action, the department administrator mistakenly determined that a response was not due for one further month (23 February, 2004). Thus, the Advisory Action was not properly docketed and was not provided to the Attorney of record until 9 February, 2004.


Attorney became aware that the application was unintentionally abandoned upon such receipt on 9 February, 2004.

The Commissioner is hereby authorized to charge the requisite petition fee to revive an unintentionally abandoned application as set forth in 37 C.F.R. 1.17(m) as well as any additional fees which may be required to Deposit Account No. 14-0455. A duplicate copy of this sheet is enclosed.

Also enclosed please find a Request for Continuing Examination.

In view of the foregoing, Applicant respectfully requests the application be revived and prosecution proceed accordingly.

Respectfully submitted,



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9 February, 2004

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